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APPLICATION NO. <b>08/720,927</b>	FILING DATE <b>10/14/96</b>	GIL FIRST NAMED INVENTOR	<b>A</b>	ATTORNEY DOCKET NO. <b>FI/36</b>
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COSIMANO E  
EXAMINER

ART UNIT **2414**

PAPER NUMBER

**6**  
10/09/97

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/720,927**

Applicant(s)  
**Gil et al**

Examiner  
**Edward R. Cosimano**

Group Art Unit  
**2414**



☒ Responsive to communication(s) filed on Oct 4, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Oct 4, 1996 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The drawings are objected to because:

A) the following errors have been noted in the drawings:

(1) the drawings lack fig. c as disclosed at page 29, line 21, as required by 37 CFR § 1.74.

(2) figs. 1A, 4A, 4B, 4C, 4D, 4E, 6A & 8B use reference number 150 to designate different features of the invention as disclosed at pages 10, 11 & 15, and which is forbidden by 37 CFR § 1.84(p(4)).

(3) in fig. 7 the line from reference number 1308 indicates the wrong feature.

(4) it is noted that the numbering of the views should be --1A-- and not "1a" as required by 37 CFR § 1.84(u(1)). Applicant should also note:

(a) the numbering of figs. 1a, 1b, 2a, 2b, 2c, 4a, 4b, 4c, 4d, 4e, 6a, 6b, 6c, 8a, 8b, 8c, 11a, 11b, 12a, 12b, 13a, 13b, 14a, 14b, 16a, 16b, 17a & 17b; and

(b) pages 6-25, 27-30, 32 & 33 which mention these figs.

Correction is required.

1.1 Applicant is required to submit a proposed drawing correction in response to this Office action. However, correction of the noted defect can be deferred until the application is allowed by the examiner.

2. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the continuing data on page 1,

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) the specification lacks an explicit reference to the nature of reference legend(s):

(1) 1106 of fig. 3; and

(2) 1204 of fig. 6a;

as required by 37 CFR § 1.84(p(5)).

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C) the following errors have been noted in the specification:

(1) at page 20, line 15, from the context of the disclosure "408" should be --108--.

(2) at page 29, line 21, "6a-c" should be --6A-6C--.

D) it is noted that paper appendix will be printed unless applicant resubmits the appendix/appendices as a Microfiche appendix, 37 CFR § 1.96. Note pages 1, 9, 15 & 34 which mention the appendices.

E) the subject matter of:

- (1) claim 5, lines 17-18;
- (2) claim 7;
- (3) claim 10, lines 16-19;
- (4) claim 16, lines 16-17; and
- (5) claim 19, lines 15-19;

lacks antecedent basis within the specification as required by 37 CFR § 1.75(d1).

Appropriate correction is required.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, & § 1.84(o,p(5)).

4. Claims 5-12 & 16-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.1 The subject matter of:

- A) claim 5, lines 17-18;
- B) claim 7;
- C) claim 10, lines 16-19;
- D) claim 16, lines 16-17; and
- E) claim 19, lines 15-19;

lacks antecedent basis within the specification as required by 37 CFR § 1.75(d1).

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4.2 Claims not specifically mentioned above, inherit the defects of the base claim through dependency. For the above reason(s), applicant has failed to particularly point out what is regarded as the invention.

5. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

5.1 Claims 1-19 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-3, 5, 7-9, 12, 16, 19-21, 24-26, 28-30 & 34 of prior U.S. Patent No. 5,481,464. This is a double patenting rejection.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6.1 Claims 5-12 & 16-19 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Ramsden (5,481,464).

7. It is noted that:

A) the effective filing date for the subject matter of claims 5-12 & 16-19, i.e. the transmission of user data to a central location is the for the instant application is August 02, 1994, while,

B) the effective filing date for the subject matter of claims 5-12 & 16-19, i.e. the transmission of user data to a central location as copied from Ramsden ('464) is February 18, 1994.

Hence, the invention of claims 5-12 & 16-19 was known to others be for the filing by applicant.

8. Art of interest, has been cited by the examiner.

9. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703)-305-9714. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

10.1 The fax phone number for UNOFFICIAL FAXES for this group is (703) 308-5356.

10.2 The fax phone number for OFFICIAL FAXES for this group is either (703) 308-9051 or (703) 308-9052.

09/25/97

  
Edward R. Cosimano  
Primary Examiner A.U. 2414